

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

JOSE CATHEY,  
Defendant.

No. CR 06-0267 SI

~~[PROPOSED]~~ STIPULATED ORDER  
CONTINUING HEARING

**Current Hearing Date:** Friday, August  
4, 2006

**Proposed Hearing Date:** Friday,  
August 25, 2006

The defendant in the above-entitled case is currently scheduled for a status appearance on Friday, August 4, 2006 at 11:00 am. In this proposed stipulated order, Mr. Cathey's counsel represents that he is now unavailable on that date and will be out of the office. In addition, AUSA Tracie Brown will be unavailable for this appearance because of a settlement conference on a case pending trial before the Honorable Chief District Judge Vaughn Walker.

The parties therefore jointly request that the matter be continued until Friday, August 25, 2006 at 11:00 for status and setting of dates. The parties note that AFPD Kalar is unavailable on August 11th and 18th because of commitments in the magistrate courts on those mornings. Similarly, AUSA Brown is unavailable on those dates because of a pretrial conference and trial before Judge Walker.

The parties jointly request that time be excluded under the Speedy Trial Act from August 4

1 until August 25, 2006, in light of the unavailability of Mr. Kalar and based on the need for continuity  
2 of counsel. The Court notes that Mr. Cathey is out of custody, and Mr. Kalar reports that there have  
3 been no allegations of any violations of pretrial release.

4 Therefore, for good cause shown the status appearance now scheduled for August 4, 2006 is  
5 vacated. The matter shall be added to this Court's calendar for Friday, ~~August 25, 2006~~ <sup>Sept. 1, 2006</sup> at 11:00 am.  
6 Time shall be excluded until ~~August 25, 2006~~ <sup>Sept. 1, 2006</sup>, to provide for continuity of counsel and in light of Mr.  
7 Kalar's unavailability.

8  
9 IT IS SO ORDERED.

10 8/2/06



11  
12 DATED

SUSAN ILLSTON  
United States District Court Judge

13  
14 IT IS SO STIPULATED.

15  
16  
17 DATED

\_\_\_\_\_/s\_\_\_\_\_  
KEVIN V. RYAN  
United States Attorney  
Northern District of California  
TRACIE BROWN  
Assistant United States Attorney

18  
19  
20  
21  
22 DATED

\_\_\_\_\_/s\_\_\_\_\_  
BARRY J. PORTMAN  
Federal Public Defender  
Northern District of California  
STEVEN G. KALAR  
Assistant Federal Public Defender